

Introduced by Senator Scott

February 23, 2006

An act to amend Section 12040 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1538, as introduced, Scott. Firearms.

Existing law establishes the offense of criminal possession of a firearm.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12040 of the Penal Code is amended to
2 read:
- 3 12040. (a) A person commits criminal possession of a
4 firearm when he or she carries a firearm in a public place or on
5 any public street while masked so as to hide his or her identity.
- 6 (b) Criminal possession of a firearm is punishable by
7 imprisonment in the state prison or by imprisonment in a county
8 jail not to exceed one year.
- 9 (c) Subdivision (a) shall not apply to the following:
- 10 (1) A peace officer who is in the performance of his or her
11 duties.
- 12 (2) Full-time paid peace officers of other states and the federal
13 government who are carrying out official duties while in this
14 state.

1 (3) Any person summoned by any of the officers enumerated
2 in paragraph (1) or (2) to assist in making arrests or preserving
3 the peace while ~~he or she~~ *that person* is actually engaged in
4 assisting that officer.

5 (4) The possession of an unloaded firearm or a firearm loaded
6 with blank ammunition by an authorized participant in, or while
7 rehearsing for, a motion picture, television, video production,
8 entertainment event, entertainment activity, or lawfully organized
9 and conducted activity when the participant lawfully uses the
10 firearm as part of that production, event, or activity.

11 (5) The possession of a firearm by a licensed hunter while
12 actually engaged in lawful hunting, or while going directly to or
13 returning directly from the hunting expedition.